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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/987,775	12/09/97	GREFENSTEIN	A 47587/48070

IM52/0207

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EXAMINER

KRUER, K

ART UNIT	PAPER NUMBER
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1773

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DATE MAILED:

02/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/987,775

Applicant(s)

Grefenstein et al

Examiner

Kevin Krueer

Group Art Unit
1773



☒ Responsive to communication(s) filed on Dec 5, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 24-38 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 24-38 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Objections

1. The examiner requests that applicant reword the claims in order to make them more readable. There are numerous ambiguities in the current claim notation. The (1), (2), and (3) notations do not seem to be necessary. Further, the notation used to describe the composition of claim 24 is ambiguous. For example, A1 could be described as a particulate graph base comprising 80-99.9% by weight of an acrylic ester and 0.01-20wt% of a polyfunctional crosslinker.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 36 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no teaching of a laminate comprising a back coating applied to a polyamide or polyamide blend substrate.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. Claims 27 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellison (US Re35,894) for reasons of record.

Claim Rejections - 35 USC § 103

6. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellison (US Re35,894), as applied to claims 27 and 32 above, and further in view of. Ellison is relied upon as above. Specifically, Ellison teaches a molded article which comprises a weatherable topcoat, a molded polymer substrate (abstract), and a binding layer (col 5, line 50 - col 6, line 30). Polymethyl methacrylate may be utilized as the weatherable topcoat (col 4, lines 24-61) and has a thickness of 12.7 to 7,600 microns (col 6, lines 43-48). The binding layer comprises an acrylic type pressure sensitive adhesive (col 5, 65) with a thickness of 6.35-6,350 microns (col 6, lines 30-33). The molded article in Ellison may be in the form of an automotive exterior bodywork component (see Fig 4) and comprises a polymer with engineering properties such as nylon (a.k.a. a polyamide) (col 5, lines 33-35).

Ellison does not teach that the acrylic type PSA should be polymethyl methacrylate. However, polymethyl methacrylate is known in the art as a PSA. The courts have held that the selection of a known material based on its suitability for its intended use supports a prima facie case of obviousness. *Sinclair & Carroll Co. V. Interchemcial Corp.* 325 U.S. 327, 65 USPQ 297 (1945). Thus, the examiner takes the position that it would have been obvious to one of ordinary skill in the art to select polymethyl methacrylate as the acrylic type PSA because polymethyl methacrylate is known in the art to be suitable as a PSA.

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Ellison also does not teach that the adhesive layer should comprise pigment/colorant. However, the court has held that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art.

7. Claims 24, 26, 29, 31, 34, 35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellison et al. (US Re 35,894) in view of Fischer et al. (US 5,747,568) for reasons of record.

8. Claims 25, 33, 36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellison et al. (US Re 35,894) in view of Fischer et al. (US 5,747,568) as applied to claims 24, 26, 29, 31, 34, 35, and 37, above, for reasons of record.

9. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellison et al. (US Re 35,894) in view of Fischer et al. (US 5,747,568), as applied to claims 24, 26, 29, 31, 34, 35, and 37 above for reasons of record.

10. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellison et al. (US Re 35,894) in view of Fischer et al. (US 5,747,568), as applied to claims 24, 26, 29, 31, 34, 35, and 37 above, and further in view of Leca et al. (Pat. No. 5,279,883) for reasons of record.

Response to Arguments

11. Applicant's arguments filed December 5, 2000, have been fully considered but they are not persuasive. Applicant argues that the method by which the claimed laminate is made patentably distinguishes the claimed laminate from the laminate taught in the applied art. Specifically,

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Applicant argues that (co)extrusion does not require solvents, allows for the formation of thicker sheets, and inherently results in an oriented sheet.

With respect to the lack of a solvent, the examiner maintains the position that solventless processing does not result in a materially different product. Thus, the examiner maintains the position that such a distinction does not materially distinguish the claimed laminate from the laminate taught in the applied art.

The examiner also maintains the position that the taught laminate reads on Applicant's thickness limitations. Thus, Applicant's argument that extruding makes it "easier to form layers which are thicker than the layers formed by liquid casting" is not persuasive.

Applicant further argues that (co)extruded films are inherently oriented. The examiner respectfully disagrees. Non-oriented extruded films are well known in the art. For instance, US 5,688,449 teaches that extruded films may be oriented or non-oriented. Thus, Applicants arguments are not persuasive.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R. Kruer whose telephone number is (703) 305-0025. The examiner can normally be reached on Monday-Friday from 7:00 a.m. to 4:00 p.m.



Kevin R. Kruer
Patent Examiner



Paul Thibodeau
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